

**REMARKS**

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claim 13 has been amended to remove substituted alkyl in the definition of R<sub>1</sub>. Claims 42 and 52 have been amended to incorporate the subject matter of claims 39 and 49, respectively, and thus be made independent claims. Support for these amendments can be found throughout the specification as filed and the previously submitted claims. Applicants respectfully submit no new matter has been added by the present amendments. Claims 39-41, 43-51, and 53-63 have been canceled without prejudice or disclaimer, and Applicants reserve the right to file continuing applications to claim the cancelled subject matter. Applicants respectfully request entry of these amendments and submit the amendments place the application in condition for allowance or, at the very least, place the claims in better form for appeal. Claims 13-16, 20, 23, 26-30, 33, 36-38, 42, and 52 are pending in the present application.

Initially, Applicants appreciate the Examiner's indication that claims 13-16, 23, 26-30, 33, and 36-38 are allowable over the cited art. Applicants also appreciate the Examiner's indication that claims 42 and 52 would be allowable if rewritten in independent form including the subject matter of the base claim and any intervening claims. Applicants note claims 42 and 52 have been thus amended and are now in allowable form.

Claims 60 and 62 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement for treating cancer generally. Although Applicants do not agree with the present rejection, to expedite prosecution, Applicants have canceled claims 60 and 62. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 39-41, 43, and 44 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,852,279 to Krapcho *et al.* Claims 39-41, 43, 44, 46, and 47 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the abstract of Buu-Hoi *et al. Bulletin de la Societe Chimique de France*, 12: 2096-3099, 1964. Claims 46 and 53 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the abstract of Buu-Hoi *et al. Compt. Rend.* 251: 2725-2727, 1960. Although Applicants do not agree with the present rejections, to expedite prosecution, Applicants have canceled claims 39-41, 43, 44, 46, 47, and

53. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

Claims 39-41, 43-51, and 53-63 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over El-Subbagh *et al.* *J. Med. Chem.* 43: 2915-2921, 2000. Again, although Applicants do not agree with the present rejection, to expedite prosecution, Applicants have canceled claims 39-41, 43-51, and 53-63. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

Applicant respectfully submits that all claims, as now submitted, are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/rcagle/

Ryan W. Cagle  
Registration No. 47,468

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

***ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ON November 29, 2006.***